

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PERSONALWEB TECHNOLOGIES LLC,  
et al.,

Plaintiffs,

v.

EMC CORPORATION, et al.,

Defendants.

Case No. [5:13-cv-01358-EJD](#)

**ORDER GRANTING DEFENDANTS'  
MOTION FOR LEAVE TO AMEND  
INVALIDITY CONTENTIONS;  
DENYING DEFENDANTS' MOTION  
FOR LEAVE TO FILE  
SUPPLEMENTAL CLAIM  
CONSTRUCTION BRIEFING**

Re: Dkt. Nos. 71, 73

On October 4, 2019, Defendants moved for leave to amend its invalidity contentions. Dkt. 71. Pursuant to Local Patent Rule 3-6, this Court may grant leave to amend upon a showing of "good cause." The Court concludes good cause has been shown because: (1) Defendants were not required to raise a Section 101 defense when this case was originally brought in Texas; (2) other courts have held that the *Alice* decision provides good cause for amendment, see *Mortg. Grader, Inc. v. First Choice Loan Servs. Inc.*, 811 F.3d 1314, 1322 (Fed. Cir. 2016); and (3) no unfair prejudice to Plaintiff would result. See Dkt. 71 at ECF 3–5. Accordingly, Defendants' motion for leave to amend its invalidity contentions is **GRANTED**. Defendants, however, are instructed to file joint briefing with Defendants Facebook and Google/YouTube (who are subject to similar PersonalWeb actions) pursuant to this Court's October 10, 2019 order. The parties were instructed to file a status report as to all three of the cases. The motion is tentatively set to be heard on December 19, 2019.

On October 11, 2019, Defendants filed a motion for leave to file supplemental claim

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1 construction briefing. Dkt. 73. Because the *Alice* ruling could moot Defendants' claim  
2 construction argument, the Court dismisses the motion for leave to file supplemental claim  
3 construction briefing without prejudice and instructs Defendants to re-file the motion (if  
4 necessary) after the Court rules on the *Alice* issue.

5 **IT IS SO ORDERED.**

6 Dated: October 15, 2019

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8 EDWARD J. DAVILA  
United States District Judge

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